

REMARKS

Claims 1-3, 5-18, 20-24, and 26-32 are pending in the present application. All of these claims stand rejected under 35 U.S.C. 102(e). Claims 1, 3, 10, 14, 22, and 30 have been amended. Claims 4, 19, and 25 have been cancelled.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is entitled "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

Applicants respectfully request reconsideration and allowance of the above-identified application in view of the following remarks.

Claim Objections:

In regard to these objections, claims 3 and 10 have been amended accordingly.

35 U.S.C. 102(e):

Applicants respectfully traverse this rejection with respect to the amended claims. DePond et al. ("DePond") does not show each and every element of the claimed invention.

Claims 1, 15, and 22 recite a call-waiting apparatus (or method) including, among other things, a controller that automatically causes a connection between the line connector and the modem/fax connector to be changed to a connection between the line connector and the phone connector and the connection with the computer modem or fax machine to be disconnected, and a reset timer that prevents a re-connection of the connection between the line connector and the modem/fax connector for at least twenty seconds once the connection between the line connector and the modem/fax connector is changed to a connection between the line connector and the phone connector to prevent a reconnection attempt by the computer modem or fax machine.

In contrast, DePond teaches away from disconnecting the modem. As recited in col. 3, lines 7-12 of DePond:

"The switch 34 connects the modem 56 to an internal power source 34 while disconnected from the telephone line 49. This prevents the modem 56 from disconnecting and shutting down while disconnected from the telephone line 49. The modem 56 can then be reconnected to the Internet 16 after it is reconnected to the phone line 49."

Further, DePond teaches away from the claimed reset timer that prevents a reconnection. As indicated above, DePond tries to prevent the modem 56 from disconnecting, not prevent the modem 56 from reconnecting as claimed.

Claims 10, 14, and 30 recite a call-waiting apparatus including, among other things, the controller including one or more low power-consumption, integrated circuits that draw 15 ma or less.

In contrast, DePond teaches a programmed microprocessor that would certainly draw more than 15mA. This types of microprocessor described in DePond is specifically distinguished on page 4, lines 3-16 of Applicants' Background of the Invention. It is Applicants' claimed one or more low power-consumption, integrated circuits that draw 15 ma or less, especially the one or more low power-consumption, CMOS-type integrated circuits (claims 6, 26), that allow the call-waiting apparatus to be powered by one or more batteries (claims 11, 20, 31) or the incoming telephone line (claims 12, 21, 32). DePond does not disclose, teach, or suggest one or more low power-consumption, integrated circuits that draw 15 ma or less (claim 10, 14, 30), one or more low power-consumption, CMOS-type integrated circuits (claims 6, 26), the call-waiting apparatus powered by one or more batteries (claims 11, 20, 31), or the call-waiting apparatus powered by the incoming telephone line (claims 12, 21, 32).

Claim 3 recites a manually operable switch for switching between the manual mode and the automatic mode. DePond clearly shows and describes an automatic switch 34 controlled by the controller 20, not a manually operable switch for switching between the manual mode and the automatic mode.

Claim 13 recites that the line connector and the modem/fax connector are always connected and the controller causes the connection between the line connector and the modem/fax connector to be superseded by a connection between the line connector and the phone connector upon detecting a call-waiting signal from an incoming communication. In contrast, DePond clearly shows and describes the line connector connected to the modem connector or the phone connector, not the line connector always connected to the modem/fax connector.

Therefore, Applicants respectfully submit that the claimed invention is not anticipated by DePond. Reconsideration and allowance of the application is respectfully requested.

CONCLUSION

On the basis of the above, allowance of the application is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments regarding this amendment, a telephone call to the undersigned at the number listed below is respectfully urged.

Respectfully submitted,

PROCOPIO, CORY, HARGREAVES
& SAVITCH, LLP

Dated: May 28, 2003

By:

A handwritten signature in black ink, appearing to read "Stephen C. Beuerle", is written over a horizontal line.

Stephen C. Beuerle
Reg. No. 38,380

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (Amended) A call-waiting apparatus, comprising: a line connector for connection to an incoming telephone line, a phone connector for connection to a telephone handset, and a modem/fax connector for connection to a computer modem or fax machine; a controller coupled to the line connector, phone connector, and the modem/fax connector, the controller including an automatic mode in which upon detecting a call-waiting signal from an incoming communication the controller automatically causes a connection between the line connector and the modem/fax connector to be changed to a connection between the line connector and the phone connector and the connection with the computer modem or fax machine to be disconnected, and a reset timer that prevents a re-connection of the connection between the line connector and the modem/fax connector for at least twenty seconds once the connection between the line connector and the modem/fax connector is changed to a connection between the line connector and the phone connector to prevent a reconnection attempt by the computer modem or fax machine.

3. (Amended) The apparatus of claim 2, [wherein the housing includes a]further including a manually operable switch for switching between the manual mode and the automatic mode.

10. (Amended) The apparatus of claim 1, wherein the [power-consumption of the]apparatus [is]draws 15 ma or less.

14. (Amended) A call-waiting apparatus, comprising: a line connector for connection to an incoming telephone line, a phone connector for connection to a telephone handset, and a modem/fax connector for connection to a computer modem or fax machine; a controller coupled to the line connector, phone connector, and the modem/fax connector, the controller including one or more low power-consumption, integrated circuits that draw 15 ma or less, the controller including a mode in which upon detecting a call-waiting signal from an incoming communication, the controller actuates one or more alarms indicating an incoming communication, the mode allowing a user to take the communication, causing a connection between the line connector and the modem/fax connector to be changed to a connection between the line connector and the phone connector, or not take the communication wherein the connection between the line connector and the modem/fax connector is maintained.

22. (Amended) A method of alerting a user on a telephone line or others nearby of an incoming communication on the same telephone line, comprising: providing a call-waiting apparatus including a line connector for connection to an incoming telephone line, a phone connector for connection to a telephone handset, and a modem/fax connector for connection to a computer modem or fax machine, [and]a controller coupled to the line connector, phone connector, and the modem/fax connector, the controller for controlling connection between either the line connector and phone connector or the line connector and modem/fax connector, and a reset timer that prevents a re-connection of the connection between the line connector and the modem/fax

connector for at least twenty seconds once the connection between the line connector and the modem/fax connector is changed to a connection between the line connector and the phone connector; detecting a call-waiting signal from an incoming communication; automatically causing a connection between the line connector and the modem/fax connector to be changed to a connection between the line connector and the phone connector and the connection with the computer modem or fax machine to be disconnected, and using the reset time to prevent a reconnection of the connection between the line connector and the modem/fax connector for at least twenty seconds once the connection between the line connector and the modem/fax connector is changed to a connection between the line connector and the phone connector to prevent a reconnection attempt by the computer modem or fax machine

30. (Amended) The method of claim 22, wherein the [power-consumption of the]apparatus [is]draws 15 ma or less.